

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2006-008654

11/08/2011

JUDGE M. SCOTT MCCOY

CLERK OF THE COURT

A. Ocanas

Deputy

IN RE THE MATTER OF
MARIA MEZA

BRANDY M RAMSAY

AND

JORGE ALBERTO ORTIZ

BERT L ROOS

AG-CHILD SUPPORT-SOUTH
CENTRAL OFFICE

MINUTE ENTRY

Courtroom 606 – CCB

1:51 p.m. This is the time set for a Resolution Management Conference regarding Petitioner/Mother's Petition to Modify Custody and Parenting Orders filed on October 17, 2011 and Mother's Emergency/Expedited Petition to Modify Custody, Parenting Time and Child Support filed on October 17, 2011. Petitioner/Mother, Maria Meza, is present and represented by counsel, Brandy Ramsay. Respondent/Father, Jorge Alberto Ortiz, is present and represented by counsel, Bert L. Roos.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding the status of the case.

Counsel for Mother advises the Court that the parties have reached temporary agreements, which are dictated on the record by counsel in the presence of both parties.

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- On a temporary basis, Father shall participate in therapeutic reunification counseling with the parties' minor child, Ilene. Father shall be responsible for the cost of the therapy subject to reallocation at the time of trial.
- Mother shall bring the children to therapy at least 15 minutes prior to the scheduled therapy. Father having contact with the children and/or Mother during the therapy shall not constitute a violation of the Order of Protection currently in place.

Maria Meza and Jorge Alberto Ortiz are sworn.

Both parties testify that the temporary agreements stipulated to on the record is their agreements, that they understand the agreements and believe it to be in their children's best interests at this time, that no one has threatened, promised or coerced them in any way to get them to reach the agreements, and that the terms are fair and equitable.

THE COURT FINDS that the temporary agreements reached by the parties this date is in the children's best interests, is fair and equitable, constitute a binding agreement under Rule 69 of the Arizona Rules of Family Law Procedure (ARFLP), is adopted as a temporary Order of the Court, and is immediately enforceable as such.

The parties state their position.

Father has agreed that he will not have any contact with the parties' children outside the therapeutic reunification counseling pending the temporary orders hearing.

Based upon Father's agreement,

IT IS ORDERED that Father shall have no contact with either child pending the Court's ruling on the temporary orders request, unless recommended by the therapeutic reunification therapist.

EVIDENTIARY HEARING ON TEMPORARY ORDERS SET

IT IS FURTHER ORDERED setting an Evidentiary Hearing on Temporary Orders in this matter as follows:

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

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1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 60 days prior to the hearing.

2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.

3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.

5. **Continuances.** Motions to continue the Evidentiary Hearing filed more than 45 days before the hearing will not be granted absent a showing of good cause. Motions to continue the hearing filed less than 45 days before the hearing will not be granted absent a showing of extraordinary circumstances.

IT IS ORDERED setting Evidentiary Hearing on Temporary Orders to the Court and regarding Mother's Order of Protection on **December 14, 2011 at 3:30 p.m. (1 hour allowed)** before:

The Honorable M. Scott McCoy
Maricopa County Superior Court
Central Court Building
201 W. Jefferson
Courtroom 606
Phoenix, AZ 85003

Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will

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not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 business days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. § 25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt was incurred, who should pay the debt, and all of the information required by A.R.S. § 25-318(H).
8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

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IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party has exhibits to be marked, all exhibits shall be delivered to the Clerk of this Division **at least five (5) business days prior to the hearing.** Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet, and shall be hand-delivered directly to this Division at least five (5) business days prior to the hearing, located in Suite 6E of the Central Court Building.** Failure to submit all exhibits by that date will result in those items being prohibited from being utilized at the hearing. **Exhibits shall not be delivered to the mailbox or to Court Administration.**

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should

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the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this Division five (5) business days before the scheduled hearing.

EVIDENTIARY HEARING SET

IT IS ORDERED setting an Evidentiary Hearing in this matter as follows:

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 60 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.
5. **Continuances.** Motions to continue the Evidentiary Hearing filed more than 45 days before the hearing will not be granted absent a showing of good cause. Motions to continue the hearing filed less than 45 days before the hearing will not be granted absent a showing of extraordinary circumstances.

IT IS ORDERED setting Evidentiary Hearing to the Court on **April 12, 2012 at 1:30 p.m.** (3 hours allowed) before:

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The Honorable M. Scott McCoy
Maricopa County Superior Court
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Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 business days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. § 25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.

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8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED that if either party has exhibits to be marked, all exhibits shall be delivered to the Clerk of this Division at least five (5) business days prior to the hearing. Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet, and shall be hand-delivered directly to this Division at least five (5) business days prior to the hearing, located in Suite 6E of the Central Court Building.** Failure to submit all exhibits by that date will result in those items being prohibited from being utilized at the hearing. **Exhibits shall not be delivered to the mailbox or to Court Administration.**

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If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

2:11 p.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/ s / HON. M. SCOTT McCOY

HON. M. SCOTT McCOY
JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.